

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IVELIZ RIVERA,

Plaintiff,

-against-

THE UNITED STATES OF AMERICA,

Defendant.
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COMPLAINT

JURY TRIAL REQUESTED

Plaintiff, through her attorneys, Goldstein & Goldstein, LLP, complaining of the defendant herein, respectfully alleges, upon information and belief, as follows:

THE FACTS

1. At all times herein mentioned, plaintiff, Iveliz Rivera, resided in the County of Dutchess, State of New York, United States of America and was a citizen thereof.
2. This action is brought against defendant, The United States of America, under and pursuant to 28 USC 1346(b) and 28 USC 2679(b) of the Federal Tort Claims Act for negligent acts and/or wrongful acts and/or omissions of an agent, servant and/or employee of defendant, The United States of America.
3. Venue is based on 28 USC 1402(b) in that the act or omission complained of occurred in the Judicial District in and for the Southern District of New York.
4. The medical malpractice claim upon which this action is based, accrued on or about April 1, 2016, when plaintiff learned or should have learned, in the exercise of appropriate diligence, of the existence of her injuries and that the cause was by acts or omissions of defendant, its agents, servants and/or employees.
5. Upon information and belief, at all times herein mentioned, Cornerstone Family Healthcare, located at 147 Lake Street, Newburgh, Orange County, State of New York, 12550, its employees and full-time contractors, were deemed to be covered by the Federally Supported Health Centers Assistance Acts of 1992 and 1995.

6. Upon information and belief, at all times herein mentioned, the agents, servants and/or employees of Cornerstone Family Healthcare, were covered employees pursuant to the Federally Supported Healthcare Centers Assistance Acts of 1992 and 1995.
7. At all times herein mentioned, upon information and belief, Robert Dorfman, M.D. was a gynecologist, licensed in the State of New York.
8. At all times herein mentioned, upon information and belief, Robert Dorfman, M.D. was employed by Cornerstone Family Healthcare.
9. Upon information and belief, at all times herein mentioned, defendant, held itself out to the general public as possessing the necessary degree of skill of a healthcare center, including offering gynecological services.
10. Upon information and belief, at all times herein mentioned, Robert Dorfman, M.D., held himself out to the general public as possessing the necessary degree of skill of a Gynecologist, specializing in gynecological surgery.
11. That plaintiff sought medical treatment from the agents, servants and employees of Cornerstone Family Healthcare, including Robert Dorfman, M.D. on April 1, 2016.

STATEMENT OF CLAIM

12. Plaintiff repeats and realleges all prior paragraphs as if fully set forth herein.
13. At all times herein mentioned, plaintiff, Iveliz Rivera, was a patient of Cornerstone Family Healthcare.
14. Annexed hereto and made a part hereof, is a Certificate of Merit, pursuant to New York State CPLR Section 3012-a.
15. Plaintiff, Iveliz Rivera, presented herself to Cornerstone Family Healthcare to attend and render medical care and treatment.
16. On April 1, 2016, Plaintiff, Iveliz Rivera, presented herself to Robert Dorfman,

- M.D., to attend and render medical treatment, more specifically, labia surgery, and to use reasonable and proper skills in his efforts to care for and treat plaintiff.
17. At all times herein mentioned, defendant, its agents, servants and/or employees undertook to attend, treat and render medical care to plaintiff and to use reasonable and proper skills in their efforts to care for and treat plaintiff.
 13. Defendant, its agents, servants and/or employees, including, but not limited to, Dr. Dorfman, did not use reasonable or proper skills in their efforts to care for and treat plaintiff.
 14. Defendant, its agents, servants and/or employees, including, but not limited to, Dr. Dorfman, failed to exercise the skill which they should have possessed and exercised on behalf of plaintiff.
 15. Defendant, its agents, servants and/or employees, including, but not limited to, Dr. Dorfman, failed to follow accepted medical practice in the care and treatment of plaintiff.
 16. As a result of the foregoing, and as a result of defendant's failure to properly treat plaintiff, plaintiff sustained severe, painful and permanent injuries.
 17. The injuries and damages to plaintiff were caused solely by the negligence of the defendant, its agents, servants and/or employees including, but not limited to, Dr. Dorfman.
 18. That by reason of the foregoing, plaintiff, Iveliz Rivera, suffered the following damages:
 - a. Medical expenses, past and future
 - b. Conscious pain and suffering, past and future
 - c. Emotional pain and mental anguish, past and future
 - d. Physical impairment, past and future
 - e. Disfigurement, past and future

- f. Loss of enjoyment of life; past and future.
19. The applicable written Claim for Damage, Injury or Death was filed with the Department of Health and Human Services on or about August 14, 2017, for plaintiff, demanding the sum of ONE MILLION & 00/100 (\$1,000,000.00) DOLLARS.
20. All prerequisites for filing this lawsuit have been complied with by plaintiff, pursuant to the provisions of 28 USC 2401.
21. That the Agency has failed or neglected to adjust plaintiff's claim after six (6) months of presentation.
22. That as a result of the foregoing, plaintiff was damaged in the sum of ONE MILLION & 00/100 (\$1,000,000.00) DOLLARS.

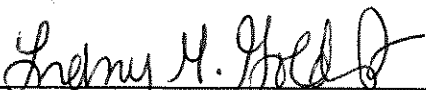
WHEREFORE, plaintiff demands judgment against the defendant in the amount of **ONE MILLION & 00/100 (\$1,000,000.00) DOLLARS**, for plaintiff, Iveliz Rivera, on the Statement of Claims;

together with the costs, disbursements and attorneys' fees of this action and such other and further relief which as to this Court may seem just and proper.

Dated: March 26, 2018
Poughkeepsie, New York

Yours, etc.

GOLDSTEIN & GOLDSTEIN, LLP
Attorneys for Plaintiff

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IVELIZ RIVERA,

Plaintiff,

- against -

CERTIFICATE OF MERIT
MEDICAL, DENTAL
OR PODIATRIC
MALPRACTICE ACTION

THE UNITED STATES OF AMERICA,

Defendant.
-----X

The undersigned, attorney for plaintiff, declares that:

I have reviewed the facts of the case and have consulted with at least one physician who is licensed to practice in this state or any other state and who I reasonably believe is knowledgeable in the relevant issues involved in this action, and I have concluded on the basis of such review and consultation that there is a reasonable basis for the commencement of this action.

Dated: March 27, 2018
Poughkeepsie, New York

Yours, etc.,



LINDSEY M. GOLDSTEIN, ESQ. (1226)

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